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Attorneys for Defendants Christopher J. Ashby; Jordan S. Nelson; Scott W. Beynon; Rockwell Debt Free Properties, Inc.; Rockwell TIC, Inc.; and Rockwell Indianapolis, LLC

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

ROSA DITUCCI, an individual; STEVEN R. LaROZA, an individual; DEBRA A. LaROZA, an individual; BRUCE I. ROSE, an individual; MAUREEN A. ROSE, an individual; SANFORD ROBERTS, an individual; HELAINE B. ROBERTS, an individual; RUSSELL E. HERTRICH, an individual; FRED JACOB, an individual; EDWARD A. HENNESSEY, an individual; RUSSELL E. HERTRICH REVOCABLE TRUST; SANFORD ROBERTS REVOCABLE TRUST; HELAINE B. ROBERTS REVOCABLE TRUST; THE FRED JACOB LIVING TRUST; EDWARD A. HENNESSEY 2001 REVOCABLE LIVING TRUST; CAMAC, INC., a Kansas corporation; and BLUSH PROPERTY, LLC., a Florida limited liability company,

Plaintiffs,
v.

CHRISTOPHER J. ASHBY, an individual; JOHN D. HAMRICK, an individual; JORDAN S. NELSON, an individual;

**ORDER GRANTING MOTION TO
COMPEL ARBITRATION AND
DISMISS, OR, ALTERNATIVELY, TO
STAY PROCEEDINGS**

Case No. 2:19-CV-00277

The Honorable Tena Campbell

**SCOTT W. BEYNON, an individual;
WILLIAM BOWSER, an individual;
CHRIS BROWN, an individual; SCOTT
RUTHERFORD, an individual; GREG
DESLALVO, an individual; ROCKWELL
DEBT FREE PROPERTIES, INC., a Utah
Corporation; ROCKWELL TIC, INC., a
Utah Corporation; NOAH
CORPORATION, a Utah corporation;
EDMUND AND WHEELER, a New
Hampshire corporation; ROCKWELL
INDIANAPOLIS, LLC, a Utah limited
liability company; GABRIEL
MANAGEMENT CORPORATION, a
Utah corporation; BELLE ISLE
ENTERPRISES, LLC d/b/a 1031
PLACEMENT, a Florida limited liability
company; JOHN DOES I-X, and ROE
CORPORATIONS I-X,**

Defendants.

The Court, having received and reviewed the Motion to Compel Arbitration and Dismiss, or, Alternatively, to Stay Proceedings (the “Motion”) filed by Defendants Rockwell Debt Free Properties, Inc. (“Rockwell Debt Free”); Rockwell TIC, Inc. (“Rockwell TIC”); and Rockwell Indianapolis, LLC (“Rockwell Indianapolis” or together with Rockwell Debt Free and Rockwell TIC, the “Rockwell Entities”); Christopher J. Ashby (“Ashby”); Jordan S. Nelson (“Nelson”); and Scott Beynon (“Beynon” or collectively with the Rockwell Entities, Ashby, Nelson, and Beynon, the “Rockwell Defendants”), and the Stipulation Re: Motion to Compel Arbitration and Dismiss, or, Alternatively, to Stay Proceedings, agreed to by the Rockwell Defendants and Plaintiffs, and good cause appearing therefor, hereby GRANTS the Motion and ORDERS and DECREES as follows:

1. The Plaintiffs and Rockwell Defendants shall arbitrate the Plaintiffs' claims against the Rockwell Defendants in a forum and in a manner agreed upon by the parties. In particular, the parties have agreed that the Plaintiffs' claims against the Rockwell Defendants shall be arbitrated in Utah before one neutral arbitrator to be selected by the parties, and in accord with the Commercial Rules of the American Arbitration Association as made consistent with the application of the Federal Rules of Civil Procedure to discovery, with discovery limited to document production and depositions and subject to further limitation by the arbitrator to secure just and efficient resolution of the dispute. The resulting judgment may be entered with this Court.

2. The parties, by agreeing to this stipulation, do not intend to waive any argument that the terms of an arbitration provision that are contained in certain contracts executed by the parties and that do not contradict the terms of this stipulation do or do not control or are or are not applicable to Plaintiffs' claims against the Rockwell Defendants in the arbitration.

3. All of Plaintiffs' claims asserted against the Rockwell Defendants in this litigation are hereby stayed pending the conclusion of the arbitration proceeding.

4. This order shall have no effect on Plaintiffs' claims asserted against any other defendant(s).

IT IS SO ORDERED.

DATED this _____ day of _____ 2019.

The Honorable Tena Campbell
United States District Court Judge

AGREED AS TO FORM BY:

DATED this 13th day of November, 2019

PARR BROWN GEE & LOVELESS

/s/ Sara Meg Nielson

Jonathan O. Hafen

Chad S. Pehrson

Royce B. Covington

Sara Meg Nielson

Attorneys for Defendants Christopher J. Ashby;

Jordan S. Nelson; Scott W. Beynon; Rockwell

Debt Free Properties, Inc.; Rockwell TIC, Inc.;

and Rockwell Indianapolis, LLC

DATED this 13th day of November, 2019

DEISS LAW PC

/s/ Wesley D. Felix*

Andrew G. Deiss

Brenda E. Weinberg

Wesley D. Felix

Attorneys for Plaintiffs

*Signed by filing attorney with permission

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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